

## **REMARKS**

The Office Action dated November 26, 2002, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

### **I. PERSONAL INTERVIEW.**

Applicant kindly thanks the Examiner for granting the personal interview held on May 15, 2003 with Applicant's representative. Applicant hereby responds to the outstanding Office Action in accordance with the suggestions discussed at said interview as referenced below.

### **II. CLAIM REJECTIONS.**

#### **A. 35 U.S.C. § 102.**

Claims 1, 2 and 6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 5,629,934 to Ghosh et al ("*Ghosh*"). Applicant respectfully traverses this rejection in view of the foregoing amendments and following remarks.

As discussed at the Personal Interview, Applicant's method of controlling the transmission power of a digital radio link is different than that disclosed by *Ghosh* at least because Applicant's claimed methods do not require estimating the power of the received signal in order to adjust the power control commands. Instead, Applicant's methods adjust power control commands based on a changed transmission rate a communication.

By way of contrast, *Ghosh* expressly requires estimating the power or energy of the mobile signal received at the base station for comparing to thresholds and adjusting

the power control command based on the estimated power or energy as plainly discussed at, for example, col. 6, ll. 1-7 and col. 4, ll. 1-2. Accordingly, *Ghosh* does not anticipate or render claims 1, 2 or 6 obvious.

For example, claim 1 recites *a method of controlling the transmission power used in a digital radio link in a system where a base station and a personal station are parties to the radio connection and during operation between them either party may send a power control command, which will change the transmission power of the other party, the method including: when a transmission rate of the first party changes, the first party informs the second party of the new transmission rate; and in response to the new transmission rate the second party, without estimating a power of a signal from the first party, changes the power control command to be sent to the first party to be in accordance with the new transmission rate, the first party changes the reception of its own power control command to be in accordance with the new transmission rate.*

Since the limitation of *changing the power control command, without estimating the power of the signal of the first party*, is not taught or suggested by *Ghosh* or any prior art of record, claim 1 and the claims which depend there from are patentable over the cited art. For the foregoing reasons Applicant respectfully requests the Examiner to reconsider and withdraw the §102 rejection based on *Ghosh*.

**B. 35 U.S.C. § 103.**

Claims 5, 7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ghosh* in view of U.S. 5,396,516 to Padonvani et al. ("*Padonvani*"); *Ghosh* in view

of U.S. 5,537,410 to Li ("*Li*"); and/or *Ghosh* in view of U.S. 5,745,520 to Love et al. ("*Love*"). Applicant respectfully traverses these rejections because: (1) *Ghosh* teaches away from the claimed invention or any combination with prior art that excludes estimating the power or energy of the received mobile signal to vary power control commands; and (2) *Ghosh*, *Padonvani*, *Li* and/or *Love*, taken alone or in any combination, fail to teach or suggest *changing the power control command to be sent to the first party without estimating the power of a signal from the first party* as recited in claims 5, 7, and 10, by virtue of their dependency on claim 1. For at least these reasons, Applicant respectfully submits that the pending claims are patentable over *Ghosh*, *Padonvani*, *Li* and/or *Love* alone or in combination and requests the Examiner to reconsider and withdraw the §103 rejections based thereon.

### **III. ALLOWABLE SUBJECT MATTER.**

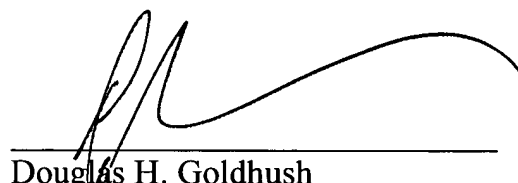
Claims 3, 4, 8 and 11 were indicated as containing allowable subject matter but objected to as depending from a rejected base/intervening claim. Applicant thanks the Examiner for the indication of allowable subject matter and, by this Amendment, amends these claims in independent format as suggested by the Examiner. Accordingly, an indication of allowance of these claims is respectfully requested in the next official communication.

In view of the foregoing reconsideration and allowance of this application are believed to be in order and such action is hereby solicited. If for any reason the Examiner believes that the application is not now in condition for allowance, the Examiner is

respectfully requested to contact, by telephone, the undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant hereby petitions for any appropriate extension of time and the fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account **50-2222**.

Respectfully submitted,



Douglas H. Goldhush  
Registration No. 33,125  
Stuart A. Whittington  
Registration No. 45, 215

**Customer No. 32294**  
**SQUIRE, SANDERS & DEMPSEY LLP**  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802

DHG:SAW:scc

Enclosures: Petition for Extension of Time (3 months)  
Notice of Appeal  
Amendment Transmittal  
Revocation and New Power of Attorney